

197.

A

Full and genuine Narrative
OF THE
CONFEDERACY.

CARRIED ON

R. Rath (9)

By *Cather, Cane, Alexander, Nixon, Paterson, Falconer, and Smith*, which last was executed at *Tybourn* with *Mc. Leane*,

AGAINST

The Hon. *Edward Walpole, Esq.*

Charging him with the detestable Crime of *Sodomy*, in Order to extort a large Sum of Money from him; together with an Account of their remarkable

TRIAL and CONVICTION,

BEFORE

The Rt. Hon. the Lord Chief Justice *Lee*, in the Court of *King's-Bench, Westminster*, *July 5th. 1751.*

The Second EDITION with ADDITIONS.

L O N D O N.

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The C O N F E D E R A C Y.

A

Full and genuine Narrative, &c.

TO strip Vice and Immorality, of the artificial Ornaments that serve to hide their Horror and Infamy, and to represent Virtue, and Integrity in their just and amiable Light, is the Duty of every Person who regards the Society of which he is a Member, or is concerned for the Welfare and Happiness of his Country; this is the Design that all good Men aim at, either when writing the History of Nations, the Lives of Warriors and Statesmen, or even the secret Transactions of particular Persons; to peruse the Histories of former Times is amusing and tends to form the Mind to the Pursuit of those Virtues which adorn'd the Lives of Heroes; and to give a Dislike of the Vices which threw indelible Stains upon the Characters of Princes; and debased the human Kind; but to read the remarkable Occurrences of our own, and to register the historical Account of ourselves, tends to our Instruction

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by giving us an Idea of human Nature in general, and a Knowledge of Society in particular: 'tis to instruct that the following Narrative of the Conspiracy of *Mess. Cather, Cane, Alexander* and *Nixon* against the Hon. Mr. *Walpole* Son to the late Earl of *Orford*, now appears in Publick; And as *Sallust* begins his Account of the Conspiracy of *Catiline* with the Subject of his History, so we shall begin this Representation with the Character of the Subject of ours.

John Cather at present a Prisoner in the Kings-Bench, is the Son of a Labourer who lived in the County of *Dunnegall* in the Kingdom of *Ireland*; he was bred to no Employment or Handicraft, but gained his Bread as his Father had done; and upon some Disgust at his Mother, who hindered his Marriage with a young Woman, who was passionately fond of him, and he of her, he became very rude and insolent, and frequently has been found exercising his aged Parent with a Discipline that the most abandoned can scarce be judg'd capable of; the Neighbours who were Witnesses of his Behaviour reproved him, but observing his Deafness to Remonstrance, they gave him up to himself, while the poor Woman, was a daily Sufferer by his brutal Hands: One Day an aged
Matron

Matron who had been acquainted with Mrs. *Cather* came into the House at the Time he was treading her under his feet, and bending her Breast with the Patella of his Knee ; and dragging him of her with *Expostulations* and *Invectives*, he became stunned and all at once seem'd as one sunk in *Melancholy* and *Despair* ; but recovering his *Consternation* she thus addressed him ' O *John* what ' a vile and detestable Crime is it in You ' to abuse and beat your aged Parent ; a ' Person who can be barbarous to a Parent, ' can never be kind to a Spouse, you seem ' to be a Woman Hater and I am much ' mistaken if you will not turn out a *Sodomite*,' the Phrase struck him ! he became exceeding anxious to know its Import ; She expressed herself in modest enough Expressions, but such as easily conveyed an Idea of the Thing, which according to my Information he afterward did or at least endeavoured to practise ; the beating his Mother rendered him odious in the Place, a meer Spectacle to the Town, and a Byeword to the Children ; that having no Peace there, he withdrew to *Barnecran-nah* a little Village in the same County where he continued for some Time, and where my Informer knew him ; it was
here

here that the Report spread of his attempting the Crime of which he accused Mr. *Walpole*, and for screening himself from Infamy he thought proper to leave the Kingdom and come to this Metropolis, where he perpetrated the Villainy I am now to relate.

He had been in *Dublin* during the Time of the Parliament and observing the Intimacy between Mr. *Walpole*, Secretary to the Duke of *Devonshire* Lord Lieutenant of that Kingdom, and Lord *Boyne*, he thought proper to give himself out as a Tennants Son of his Lordship, and to make Application under that fictitious Name, to Mr. *Walpole*, who reckoned his Lordships Regard to any Man an ample Recommendation, they having travelled thro' *France*, *Germany* and *Italy* together, and had afterward continued united by mutual Good Offices: for by Mr. *Walpole's* Interest, Lord *Boyne* obtained a Seat in the House of Commons, two of his near Relations the Office of Collectors, and several of his Friends were provided for, as *Cather* might, being a tall young fellow, five Foot Ten Inches high, very fair and well skined, if he had been capable of discharging the Functions of any Employment: being disappointed in his Expectations from
Mr.

Mr. *Walpole*, he began to seek as he pretended for Business elsewhere, tho in Reality he employed himself with *Walter Paterfon*, *Patrick Cane*, and some others of the like Character: It was by Means of this Correspondence that he got some fine laced Cloaths in which he was dressed, when he sent for Mr. *Walpole's* Servant *William Collier*, to a Tavern where they staid sometime, but at parting he enjoined him Secrecy, and begged he would not discover the Circumstance of his Dress to his Master, but as the enjoining of Secrecy is the very way to disclose it, so in this Case, the Servant considering the Honour and Interest of his Patron, acquainted him with what he had seen, and what had been enjoined; the Gentleman rightly judging that such Precautions are never used except from Design, wisely gave over to countenance him, or give him either by himself or his Servants, Encouragement, directly or indirectly, to come to his House; this raised his Resentment, and kindled that Anger, which was the Result of his Disappointment, into the most violent Hatred, that in Time burned throughout, and grew into an intense and a deliberate Revenge; notwithstanding for some Time, he was by secret Considerations hindered from perpetrating any Thing

Thing against him; whether this *Refrain* proceeded from Fear, the constant *Attendant* of a dishonest Heart, and a vicious Inclination, or that his Genius was not adequate to his Keeness, I leave with others to determine; however at last getting acquainted with a number of Adventurers, like himself, among whom *William Smith*, a Presbyterian Parson's Son in *Ireland*, who made his fatal Exit *October 3d. 1750*, along with *James McLean*, he soon contrived a Scheme for ruining *Mr. Walpole's* Character, and for disencumbering him of his Purse: And that was, by swearing to the Design of committing one of the most atrocious Crimes that a Man can be supposed guilty of; a Crime not only horrid in the Sight of the Law, but contrary to Nature, and an open Violation of every Thing sacred and humane: It seems the Gang, for so I must call them, stood in Need of a little Money; to procure which they fall upon the following villainous, though artful Contrivance; and none other Conditions were required, but Secrecy in the Transaction, and an equal Division of what might be obtained.

And here it will not be improper to inform the Reader of a Circumstance which they made use of for cloaking their Impious Design; and obtaining the greater Credit to the Oath that *Cather* was soon to swear.

swear. *Patrick Cane* who is a Labourer and was born in the Town of *Londonderry* in *Ireland*, where live a great Number of Presbyterians, told him, that he thought it conducive to his Cause, to join some dissenting Congregation; for by this Means his Conduct would be less suspected; *M. Cather* approved his Scheme and desired to know what Meeting House was most proper to attend? *Mr. Cane* told him, that one *Mr. F-----d* a Minister in *R-----l-S-----t, C-----t-G-----n*, had a very contrite holy Countenance, and so strict an Observer of the Sunday as to reprove young Women for talking about their Courtships and sweet Hearts; and Married People for Nuptial Intimacy on the Night of that Day; that above 150 Journey-men Tailors and Shoemakers all holy wise Men, frequented his Place; that he was so cautious as not to employ any Minister against whom any of his Sheep as he phrased them had taken the least Umbrage; when he prays he appears in Terror, and preaches *Verbatim* the Sermons of the Scots Mountainers: Upon my Word says *Mr. Cather* you delight me! Several sighing Sisters proceed *Mr. Cane*, have turned from the Established Church by his Recommendation; for at first sight one would be apt to reckon him a very Sanctified and cautious holy Man! He
is

he is an open Enemy to Dr. *Foster*, who attended the Earl of *Kilmarnock*, and such an Abhorrer of the Church of *England*, that very lately he bought a fine Gilt Bible, in which was the *Apocrypha*, the *English Liturgy*, the *English Psalms*, *Catechism* and 39 Articles, all which he employ'd a Book-binder to take out, and dress up the Original by itself: Upon my Word says *Kather*, he is just such another as myself, I presume he will not refuse me sealing Ordinances, No! No! replies Mr. *Kane*, if you employ a *W-----n*, or any of his Elders, generally Gentlemen Taylors, to make you a Suit of Clothes, you need not fear: In Consequence of this Conversation they frequented Mr. *F-----*'s Meeting-House, in which they behaved with the utmost Sanctity and Grimace till the Time they were taken up: But to return,

The Gang had been informed of Mr. *Walpole*'s Character, and he thought themselves of laying Something to his Charge, of which he could not fail to be asham'd, and to smother which, he would not scruple any Expence: Big with the Hopes of Success, they fix upon *Cather* as the proper Person to swear to his laying hold of him, dealing with him, and earnestly soliciting his

his Compliance to the Commission of the horrid, abominable, shocking and odious Crime of Sodomy, at one Time, and Buggery at Another; allured with the mighty Prospect of Gain, blind to the fatal Consequences and deaf to the Dictates of Generosity and Conscience, the Creature went to *Hicks-Hall* 26. of March, 1750. and there swore as narrated above; and the Jury going upon the Examination of the Bills, soon found an Indictment against Mr. *Walpole*; which News the Conspirators were not wanting to propagate; for this Purpose they went into two or three Coffee Houses where they published the Matter, and laid it down with all the Skill that Design and long Meditation could suggest, or Craft and Artifice could inspire, and that they might reap as soon as sow, they sent for one *Alexander* to whom they Imparted their Scheme.

The Prospect of Gain soon blinded the Eyes of Mr. *Alexander*, who after some Reasoning upon the Matter agreed to the Project; for a thorough Confidence, that the dreadful Name of Buggery and Sodomy,

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would

Genius of the Man, whose ambiguous Expressions, artful Insinuations, pretended Offers of Service, and a declared Contempt of the Chastity of Women, a Thing held sacred, by Nations who have only the Light of Nature to direct them, and recommended to the Care of the Law, by the sacred Records, After this Conference, Mr *Walpole* whether by Advice of Friends or of himself is but a Circumstance, contrived a Method for finding out this heinous Iniquity, and detecting the impious Friend; and now the Question is, what Instrument to make Use for bringing about the desirable End.

After due Reflection, mature and serious Deliberation, he at last thought of one Mr. *Worsdale*, a Painter at Charing-Cross, who had formerly attended the Play-House in *Dublin*, and who being well acquainted with the Art of acting was at no Loss to personate a Character: Mr *Worsdale* deeply affected with the Villainous Contrivance, and touched with a Sense of, and Sympathy with, a Gentleman's Character, torn to Picces by a detestable Crowd of
Paricides

Paricides, undertook the Business; and meeting with a Comrade one Mr. *White*, in *St. James-Park*, he imparted to him the Secret; the last named Gentleman equally abhorring the Wickedness, easily went into his Scheme. And in order to it, their first Step was to trace out the Place of Rendezvous where the Gang frequently convened; very artfully, and prudently he got himself introduced into their Company, and bringing in the Conversation about what had passed at *Hicks-Hall*, he magnified what Profit might redound to the Prosecutor, how readily Mr. *Walpole* would relish any Proposal of compromising the Matter, and would scruple no Expence, to get rid of so heavy an Impeachment, and an Accusation so foul: By these means they became a little more open; and he taking on him the Name of Counsellor *Johnson*, the Conversation was pursued with but little Reserve; they all seem'd pleas'd with the Counsellor, and *Kane* the original Contriver, was so elevated, that he could not help expressing, how much he was obliged to Fortune for putting
 ting

ever not so very free as to the Counsellor; for the Attorney by I know not what Incident, fell under their Suspicion, which was the Cause of their not discovering the Bent of their Schemes, the End and Purport of their impious Designs.

For next Day meeting with two of them, he was informed that Mr. *Kather* had sworn his Life against him and that he would be quickly taken up, that he had been at Mr *Fieldings* House in *Bow Street Covent-Garden*, for a Warrant of Commitment; but that the Justice had not been at Home; this sudden Shock not a little disturbed the Attorney, who made it his Business to wait on Mr. *Kather*, whom he interrogated before the Company concerning the Oath he had taken against him, and his going to Justice *Fieldings* House: Mr. *Kather* denied the Fact, and in a complaisant Manner declared that He had done no such Thing; for that he Mr. *White*, had never disoblged him either in Word, in Gesture, or in Deed; the Informer being incapable of defending himself, brought of the Matter with a jocosé Air, and said that
they

they generally swore to Things in order to get some Money * Mr. *Attorney* was pleas'd with the Excuse, and so they proceed to scheme out the Matter to the best Advantage: But in the mean Time wanted to get ridd of him; as they had prepared a more proper Person, *vizt.* Mr. *Nixon*, with whom they had conferred, and who drew up the Indictment laid at *Hicks-Hall*. Having met with him, [they informed him how fortunate they were in Counsellor *Johnson*, a Man entirely suited to their Purpose; they brought him to the Place appointed, and after sitting for a while, behold the Counsellor comes in; at this they were not a little overjoyed, as they began to weary for his Arrival; scarce does he appear, when the one says to the other, here! " The Counsellor, we shall do well now " In the mean Time in comes a Bricklayer with some of his Tools about him, and having some Business with Mrs *Kather* and *Kane*, address'd himself, with a Bricklayer's Sa-

* One of them by Swearing falsely had got 400 l. of one Gentleman and 200 l from another.

lutation to them, which scarcely being over, the Counsellour directly comes in, and was welcomed heartily by 'em; but this Jollity was short lived, for all at once Counsellor *Johnson* without shifting Place, or waiting any Interval of Time, disappears, and Mr. *Worsdale* starts up in his Room; these, says he, to Mr. *Bricklayer*, who in the Twinkling of an Eye turned a Constable "Are your Prisoners, in his Majesty's Name I charge you with them;" They were all instantly carried before one of his Majesty's Justices of Peace, who after Examination committed them to safe Custody, untill relieved by due Course of Law; this was the End of Messrs. *Kane* and *Kather*, while Messrs. *Alexander* and *Nixon* were bailed, by proper Security, to compear when called, and to stand Trial before any of his Majesty's Courts, where the Cause might be brought in: The other Accomplices were not indeed seized at that Time, as they were not present; but Justice pursued them; the Fate of *William Smith*, is recent in every Persons Eye, for having made a fruitless Attempt upon Mr.

Walpole,

Walpole, by bringing him a forged Bond he soon fell into a Crime that brought him to the fatal Tree: *Walter Paterfon*, another Member of the Society, was likewise taken up, and upon a quite different Indictment was committed to the House of Correction, out of which, by one of those Artfull Ways, generally used in Time of great Necessity, he made his Escape; and though his Name was advertised, his Person described, and a large Reward offered to any who should bring him to the Keeper of the Prison, yet he got off and after waiting for some time, he escaped to *Dublin*, where again he was secured, but afterwards got free; the Reason of his commitment in *London* was, for advising *William Smith* to take upon him the name of *George Sandys*, and offer to Mr. *Walpole* a forged Bond of 150 *l.* payable by *Paterfon* to *Sandys*, for a small Sum, under Pretence of giving Mr. *Walpole* an Opportunity of being revenged upon him, by committing him to Goal, for the horrible Crime of contriving an action of Sodomy against him; *Smith* went to his House and its probable according to Mr

Walpole's Declaration that if the infatuated Man had had a Pistol about him, Mr. *Walpole* must have died: Nor must it be forgot, that during the time he was conducted to the Justice under a Guard he chewed the Bond, under his Teeth so that it could not appear against him; however from his Pretensions of being a Citizen of *Andover* and being incapable of telling so much as the Member of Parliament's Name, he was justly committed to *Reading Goal* for further Examination.

After they were confined to Prison they came to themselves, and dreading the Consequence of a Trial, they wrote the most penitential Letters to Mr. *Walpole* earnestly begging, he would not carry Things to the Extremity of Law, but that he would drop any Prosecution against them, relieve them from Goal and from Misery, as they acknowledged with Grief and Sorrow, their Guilt, and the false Accusation Sworn to against him: These Letters had not the desired Effect with Regard to them, for the injured Gentleman preferring the Welfare of the Public to the Weakness of Pity,
which

which they vainly imagined themselves capable to raise, he entered an Action against them in the King's Bench in *Westminster-Hall*, where after being twice called, it at last came on, and was after a full Hearing, finally determined upon *Friday* the 5th of *July*, 1751. before the Right Honourable the Lord Chief Justice *Lee*. After opening the Cause, Mr. *Walpole*, who with his Brother Mr. *Horatio*, and two other Gentlemen, were sitting on his Lordship's left Hand, gave Evidence as to the Reception of the Letters from Mr. *Alexander*, and the Prisoners Mess. *Kane* and *Kather*, mentioned before; he discovered great Calmness of Temper, protested his Innocence and at the same Time signified his Love to the Gentlemen of *Ireland*, in general, but in particular to the Person of Lord *Boyne*, through whom he had some small Acquaintance with *Kather*, who had Sworn so falsely against him; his Brother Mr. *Horatio* spoke likewise to the great Satisfaction of the Court, and behaved in a Manner suitable to the Height of their
 Stations

Stations and Dignity of their Birth; Mr. *Worsdale*, alias *Counsellor Johnson*, acted with so much Life, and Spirit, the several Parts he had performed during the time of sifting out the iniquous Mystery, as gave no small Diversion to the Court and the Numerous Bystanders, who out of Curiosity crowded the *Hall*; and this was the more acceptable at that Time, as Pity and Compassion, these natural Instincts and essential properties of the humane Heart, had filled them with Horror to think of the Matter of the detestable Scheme, and the jesuitical Methods by which the same was conducted and pursued: Mr. *White* the Attorney likewise behaved well, as did in general all the Witnesses, who were treated by the Council on each Side with all the Encouragement that Justice and good Manners could prompt to, or that the Behaviour of Gentlemen could inspire and promote; nor must it be forgot that the Lord Chief Justice *Lee*, acted with all the Candour, Equity and Indulgence that could be desired of a Judge; he marked down the minutest Circum-

Circumstances of the Evidence, and represented every Fact in its proper Light, gave it the Weight that was due, and allowed the Council on each Side to put Him in Mind of any Fact which he had omitted to lay before the Jewry ; there seemed no manner of Difficulty to bring in Messrs *Kane, Kather* and *Alexander*, but *Nixon's* Case was doubtfull, from the Consideration that some People among whom Mr. *Salt* Keeper of the Gate House had sworn to his Honesty while with him, he having served in the Office of Clerk to him for eleven Months about five Years ago ; his Council, did all in their Power to make the best of every reasonable Argument that could be thought of, as they judged, and not without Grounds, that One may be employed in the blackest Schemes and yet know nothing of them ; nor indeed at first View, it is very probable that the Conspirators would have disclosed the Secret of their Intention and Depth of their Design to Persons of Probity, Integrity and Candour ; for if Wickedness is always
fear-

full, and affrighted, then tis hardly to be found that the most Obdurate Villain, can for any Time, look a real honest Man in the Face; the Circumstance of not mentioning his Name at their Meetings for Contrivance, was likewise strongly insisted on; this indeed may preponderate with some, while that very Circumstance determined others to think he was guilty, since all the Arts Imaginable are used by the Crafty and by Hypocrites, to make themselves appear virtuous and honest Men: But whatever be in this, one thing is certain, that his giving a Guinea at one Time, and collecting Money at several Times for Mr *Paterfon*, when in the House of Correction, were Circumstances that tended to give the Court an ill Opinon. of him, and as it was particularly observed by his Lordship, who closed his Discourse to them with it, Probability itself speaks that this Transaction determined the Jewry to bring in their Verdict, finding the whole equally Guilty: Assoon as the Verdict was returned, which was in two Minutes, without going out of Court, the

Typstaff

Typstaff was called for, and ordered to take Care of the Prisoners; Mr. *Alexander* was Present, having been surrendered by his Bail; but Mr. *Nixon* had removed, the former is confined to the Prison of the Kings Bench, where he is to remain till next Term, when Sentence will be pronounced upon him.

During the Course of the Trial, Mr. *Alexander* behaved with a *Confidence* not consistent with Prudence, or even with the Conduct of the Wise, in his Situation; he frequently endeavoured to confound the Evidence, broke in upon the Pleading of the Council, and, even interrupted the Justice in his Representation; yea he even went so far as to present a Paper to Mr. *Walpole*, of which he declared himself ignorant; so that notwithstanding he urged it, Mr. *Walpole* refus'd it. Mr. *Nixon* walked to a'fro' bare Headed, thro' *Westminster-Hall*, and discovered an uncommon Concern for his Fate; like a Person of a vitiated Brain; he seemed upon the Wing, always going or sending into Court, to know what might

D be

be the Event; thus he continued till the Time that the Crier of the Court called for a Typstaff, and then he directly retired toward *Old Palace-Yard*, absconded for a While, but has since appeared in Publick and still continues under Bail.

What the particular Punishment of so deep a Plot and so dangerous a Conspiracy will be, is more than I can determine, nor did I ever speak to any about that particular Point, 'tis my humble Opinion that the Law is as silent about it as the Crime is rare; and was I worthy to give my Sentiment upon the Matter; I should be of the same Opinion that *Cesar* gave to the Senate of *Rome*, when speaking upon the Conspiracy of *Cataline*, *Lentulus*, and some others, who had violated the Engagemens to their Country, and broke thro' the most sacred Ties: It was the Judgment of this great Man, that the punishing of them would be doing them too great Service, in so far as it would render them the Objects of the Peoples Compassion, whereas at present they were the very Mark at which they darted the Arrows of their Resentment, while
their

their Crime drew after it an universal Hatred, Abhorrence and Detestation; Suppose says he that a Criminal should go to be hanged, the Populace will not be so much struck with his Crime, as touched with his Sufferings; and as the Conspiracy against Mr. *Walpole* was even as dangerous as that of *Cataline* against the Senate of *Rome*, yea and more, since if in this they had succeeded, 'tis not known how far they might have carried their detestable Project; better for the City of *Rome* to be deprived of her Senate, than for the *British* Isle to have her Parliament composed of Members, who could be guilty of Crimes, for which Fire was of old showed down from Heaven, which in Time must render us a Bye Word, and Proverb among the Nations, odious in the Sight of God, and shocking to human Nature! and as their Crime is not within the Law, I must give my Opinion for sparing of their Lives, and continuing them the Abhorrence of their Country, which their Sufferings might in a great Measure remove. But if in Opposition to the Sentiments

ments of the generous and illustrious *Cæsar*,
the rigid Sentence of *Cato* be preferred.
'Tis the Duty of every *Britton* to yield to
the Decision of the Nation, since Authori-
ty must, for the Good of the Publick,
subsist in any Events.



The E N D.

